

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

CYNTHIA ANN FESTER,

Petitioner, : Case No. 1:22-cv-073

- vs - District Judge Jeffery P. Hopkins  
WARDEN, Dayton Correctional Magistrate Judge Michael R. Merz  
Institution,  
:  
Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 14) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting no objections were filed thereafter, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition be DISMISSED with prejudice. Petitioner is DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

January 27, 2023.



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Jeffrey P. Hopkins  
United States District Judge